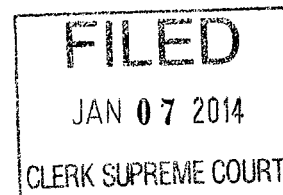


In the Supreme Court of Iowa

**Request for Public Comment
Regarding Proposed Amendments
to Division III of the Iowa Court
Rules**

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Order



The director of the office of professional regulation has filed with the court a proposal to amend continuing legal education provisions in Division III (Professional Regulation) of the Iowa Court Rules. The proposal is based on recommendations of the Commission on Continuing Legal Education (Commission on CLE).

The Commission on CLE has been studying possible changes to the distance education provisions of the Iowa CLE rules for over a year. Based on its study, the commission recommended that the rule changes proposed in the attached document be published for comment. The proposal would adopt new defined terms for "moderated" and "unmoderated" CLE activities. The term "computer-based" would be used only to describe self-paced instruction.

A "moderated" activity would include live in-person seminars, live satellite transmissions of video and audio, live video conferences, live webcasts—whether audio-only or audio plus video—live teleconferences, video replays with a live moderator, and audio replays with a live moderator.

An "unmoderated" activity would include delayed or on-demand transmissions, pre-recorded media, self-paced computer-based instruction, or other format, which has an interactive component and is approved by the commission in guidelines. The commission would be authorized to publish guidelines prescribing requirements for accreditation of unmoderated activities.

The proposed initial commission guidelines for unmoderated programming are included with the proposal, and are summarized as follows:

1. An unmoderated activity must have an interactive component, but the

new guidelines contemplate a wider array of acceptable types of interactivity than the current rule.

2. An unmoderated activity must have lawyers as the target audience.
3. An unmoderated activity must include high quality written materials.
4. An unmoderated activity would not be approved for a period beyond one year after the last content revision, unless the commission determines the content remains substantively current.
5. The sponsor of an unmoderated activity would be required to verify attendance and completion and retain the verification information for 2 years.
6. The six hour limit would be preserved for unmoderated events.
7. True self-study still would not be eligible for credit in Iowa.

Iowa Court Rules 42.4(1) and 42.4(2) would be revised to allow applications for accreditation before or after an activity is conducted without a time limit. This change would conform the rules to existing practice.

The supreme court seeks public comment on the proposed rule changes and commission guidelines prior to taking further action on them. The court finds that the proposed amendments and guidelines should be published, and a period should be set, for public comment regarding the proposed amendments and guidelines.

The proposed amendments and guidelines may be found on the Iowa Judicial Branch website, at:

[http://www.iowacourts.gov/About the Courts/Supreme Court/Orders/](http://www.iowacourts.gov/About%20the%20Courts/Supreme%20Court/Orders/) and

[http://www.iowacourts.gov/For Attorneys/Professional Regulation/OPR Announcements Reports/](http://www.iowacourts.gov/For%20Attorneys/Professional%20Regulation/OPR%20Announcements%20Reports/).

In addition, copies are available at the office of the Clerk of the Supreme Court, Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa.

Any interested organization, agency or person may submit comments regarding the proposed amendments and guidelines. Comments about a proposed rule must refer to the specific rule number (for example, Rule 42.4(1))

and the specific numbered line or lines to which the comments are directed. Comments sent by e-mail must be e-mailed to **rules.comments@iowacourts.gov**, must state "**Continuing Legal Education Rules**" in the subject line of the e-mail, and must be sent **as an attachment to the e-mail in Microsoft Word format**. Instead of submission by email, comments may be delivered in person or mailed to the Clerk of the Supreme Court, Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa, 50319.

Any comments received may be posted on the Iowa Judicial Branch website.

The deadline for submitting comments is 4:30 p.m. on March 10, 2014.

Dated this 7th day of January, 2014.

The Supreme Court of Iowa

By Mark S. Cady

Mark S. Cady, Chief Justice